

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

STEPHEN WALKER,

Plaintiff,

v.

DAVID GUTIERREZ, *et al.*,

Defendants.

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2:22-CV-176-Z-BR

**ORDER WITHDRAWING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
TO DISMISS COMPLAINT FOR FAILURE TO PAY FILING FEE**

On November 21, 2022, the undersigned entered Findings, Conclusions, and Recommendation to Dismiss the Complaint in this action for failure to pay the filing fee. (ECF 14). Since that time, Plaintiff has twice attempted to tender payment of the filing fee, but payment was returned both times because Plaintiff submitted the incorrect amount.

Because Plaintiff has demonstrated a willingness to pay the required filing fee, the undersigned hereby WITHDRAWS the Findings, Conclusions, and Recommendation to Dismiss. (ECF 14). However, **within 30 days from the date of this Order**, Plaintiff is directed to submit payment in the amount of \$402.00 to satisfy the filing fee in this matter.

As a secondary matter, according to the *In Forma Pauperis* data sheet submitted by Plaintiff, he possesses adequate financial resources to pay the filing fee. (ECF 12 at 3). Therefore, the two pending motions for leave to proceed *in forma pauperis* are DENIED. (ECF 4; ECF 12).

IT IS SO ORDERED.

ENTERED February 1, 2023.


LEE ANN RENO
UNITED STATES MAGISTRATE JUDGE